

ORIGINAL

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter)
)
Petition of the)
Community Broadcaster Association) RM-9260
For Establishment of a "Class A")
Television Service)

To: The Federal Communications Commission - Mail Stop 1170

These Comments are filed by Debra Goodworth, Turnpike Television. I am the Licensee of twelve low power television stations which cover the DMA's of Pittsburgh, Youngstown, and Wheeling - Steubenville. These stations provide local news, sports and entertainment. The majority of our locally produced, locally originated programs target communities of interest or populations too small to justify interest from the regionally - oriented full power stations that serve Pittsburgh. I fully support the Community Association (CBA) petition for rulemaking that was filed for "Class A" television service.

One example of LPTV programming that will be destroyed if my stations can not be protected by conversion to primary status is the fall, high school football series we produce and broadcast over my LPTV stations. (since the Pittsburgh ADI is a top twenty market, without primary status my twelve stations will eventually all be displaced by new spectrum users) Last fall we produced and broadcast over our LPTV network three high

school football games per week for the full twelve week high school football season and the playoffs among those teams all the way through to the championship game. This effort alone amounted to over nine hours of locally produced, locally originated programming per week. No other station in the Pittsburgh area has ever attempted or achieved this level of coverage of Greater Pittsburgh high school sports even though these athletic events are extremely important to the kids and the families of those kids that participate in the games and the students that attend the high schools these teams represent. When my stations are forced off the air by new DTV full power allotments or new non-broadcast spectrum users the replacement services that will supersede my programming efforts will not include these local sport events. Instead, those substitute licensees will bring the same regionally oriented, network produced programs that the existing ten or twelve full power stations now broadcast. What will be lost will not be replaced, what will be broadcast instead will be neither original nor as needed as the services I now provide.¹

¹Regarding the CBA's proposed requirement of three hours per week of locally produced programming, it is interesting to note that although we currently produce more locally produced programming than most of the full power stations in the Pittsburgh ADI during football season, the first year we began broadcasting our local origination capacity was much more limited. In each of the four years that we have operated our capacity and our local programming capacity and level of sophistication has grown. Recognizing that LPTV is a new industry composed of new businesses and newcomers to broadcasting, the Commission should exercise caution when considering unrealistically demanding initial or qualifying programming requirements, least it shut out of primary status the very new blood it should most want to protect. In the Instructional Fixed Television Service the Commission recognized that the burden of producing a significant amount of programming was unreasonable for new ITFS licensees, so the Commission delayed the full educational requirement until two years after certification of ITFS station construction. For the same practical reasons class A programming requirements should take effect two years after conversion to primary status, not before primary status is applied for as proposed by the CBA.

As a women I find myself in a ownership position that few women have the opportunity to be in. The CBA's petition , if passed as written, will enable me to secure my future as a broadcaster in this region. It would also enable other women and minorities to stay in the LPTV business without fear of losing their stations and investments. There are a significant number of women and minorities in the LPTV industry in ownership positions. The diversity of ownership is something that the FCC should be proud of and consider as a success and not something to be destroyed. Denying permanent status will seriously jeopardize this industry and its ownership. The FCC needs to take a serious look at the outcome of denying permanent status to minority and women owned LPTV stations.

Secondary status puts us in a position for failure. If Rm-9260 is not passed than a station would be subject to spending very large sums of money for a channel change and if there is not channel available that station will be forced to shut down. Secondary status just does not work for an industry that conducts itself in a business fashion. The phrase "I brought you into this world and I can take you out", (Bill Cosby) seems to be the attitude of the Commission towards LPTV. Having given birth to this service, now mature, does not give one the right to now sentence it to its death.

When we applied for our permits we knew that the spectrum was secondary, as we are constantly reminded, but as we entered into this exciting business we were carefull to have engineering that did not cause interference to existing full power or LPTV licenses or permits. During the DTV rulemaking it became apparent that the FCC had hidden agendas. The Court will have to decide the FCC's interpretations and implementation of "secondary status" for this industry if permanent status is not granted

under this proceeding.

I have spent many years developing my business and working hard to abide by the rules that govern the industry, but if the rules are not changed as currently written, I will loose all my stations because of DTV, and the communities and the people who live and work in them will be left without the CHOICE of a local television presence. The LPTV segment of the television broadcast industry, having grown to over two thousand stations serving almost every city in this country large and small, have proven its irreplaceable function. Each time a LPTV station is displaced local employment is destroyed, a source of local programming is wiped out, and access to television advertising capacity at a rate affordable to local small merchants is eliminated. None of these important public services are replaced by the regionally oriented full power broadcast stations or non broadcast licensees placed on the LPTV's channel. The exponential growth of LPTV over the last ten years is market - place proof that there is a need for small, truly local stations, as well as large regional stations. LPTV has proven itself to be a wonderfully successful experiment in easy entry, low cost, deregulated broadcasting. Any clear minded weighing of the public interest will conclude that continued displacement and elimination of these valuable licensees is bad National policy. The Commission has continuously struggled for ways to increase the participation level of women and minorities in telecommunications and for ways to preserve the diversity of mass media ownership by encouraging small businesses to seek FCC licenses. LPTV presents the Commission with an opportunity to double the number of female-owned broadcast stations to increase seven - fold the number of minority owned broadcast

stations and to triple the number of different entities owning television licenses. Its failure to do so by denying the LPTV industry an opportunity to convert to primary, Class A status would be completely inconsistent with all of the Commissions pronouncements over the last thirty years on the need for diversity.

Currently, the FCC allows us to find a "replacement" channel if we become displaced, but all my stations will be displaced and this would require me to spend more than a million dollars to accomplish all the channel changes necessary for my twelve sites. This may be what it takes, but I could still find myself being displaced again because I am not permanent.

The power increases proposed by the petition are desperately needed, since there is no guarantee that I will be able to find a replacement channel for any of my stations, it would enable me to cover area's that are currently covered if I have to shut down some of my stations because of DTV.

The local programming requirement encourages LPTV owners to better serve their communities. It may be difficult for operators to be in a financial position to comply if they are also in the midst of changing channels. Local programming produces a large financial burden on a small business like LPTV and Class A status should not be denied because of economic status. Turnpike Television respectfully suggests that the CBA petition should be adopted with the following adjustments:

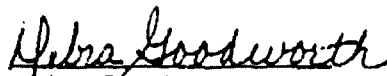
1. The local programming requirements placed on Class A stations should be no greater than the programming requirements currently in effect Part 73 of the Rules;
2. New Class A stations owned by small businesses, women, or minorities should be given a two year grace period from the date of Class A licensing before any

programming requirements imposed for Class A status take effect; and,

3. Construction permits issued to new Class A stations or displaced LPTV permutes should be made the full three years in length proposed for other broadcast stations in the Commissions outstanding Streamlining docket (MM Docket No. 98-43.)

I hope the FCC will reconsider its decision to continue secondary status for this industry and be proud of the service that it now provides and preserve the opportunity that has afforded to minorities, women and small businesses by converting LPTV to primary status.

Respectfully,



Debra Goodworth
514 Chautauqua Street
Pittsburgh, PA 15214

May 22, 1998

CERTIFICATE OF SERVICE

I Debra Goodworth, owner of Turnpike Television, certify that the foregoing comments were served by 1st class US mail, postage prepaid on May 22nd to the following party:

Peter Tannewald, Esquire
Irwin Campbell & Tannewald, P.C.
1730 Rhode Island Avenue, NW, Suite 200
Washington, DC 20036-3101

Debra Goodworth